

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 28 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT DOYLE,

Plaintiff,

v.

DOUGLAS C. PALMER, in his official capacity as
Clerk of the United States District Court for the Eastern
District of New York,

Defendant.
-----X

BROOKLYN OFFICE L E D
NOTICE OF MOTION
AND MOTION FOR A
STAY IN LIGHT OF
LAPSE OF
APPROPRIATIONS

Civil Action
No. 18-CV-4439

(Weinstein, J.)
(Pollak, M.J.)

*Stay granted to
end 20 days after
U.S. government resumes
work. So ordered
Jud. Weinstein
1/28/19*

The United States of America hereby moves for a stay of the above-captioned case and an adjournment of the motion for reconsideration hearing scheduled for January 8, 2019.¹

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of this case until Congress has restored appropriations to the Department. The undersigned also seeks

¹ The Court recently adjourned the motion to dismiss hearing from January 9, 2019 until January 29, 2019.